

S. No. 2195
H. No. 335

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. **11362**]

AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT FOR THE PENALTIES OF *ARRESTO MENOR* AND *ARRESTO MAYOR*, AMENDING FOR THE PURPOSE CHAPTER 5, TITLE 3, BOOK I OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS "THE REVISED PENAL CODE"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the "Community Service Act".

SEC. 2. *Policy.* – It is the policy of the State to promote restorative justice and decongest jails by authorizing the court in its discretion to require community service in lieu of service in jail for offenses punishable by *arresto menor* and *arresto mayor*.

SEC. 3. *Community Service*. – Article 88a of Act No. 3815 is hereby inserted to read as follows:

“ART. 88a. *Community Service*. – The court in its discretion may, in lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* be served by the defendant by rendering community service in the place where the crime was committed, under such terms as the court shall determine, taking into consideration the gravity of the offense and the circumstances of the case, which shall be under the supervision of a probation officer: *Provided*, That the court will prepare an order imposing the community service, specifying the number of hours to be worked and the period within which to complete the service. The order is then referred to the assigned probation officer who shall have responsibility of the defendant.

“The defendant shall likewise be required to undergo rehabilitative counseling under the social welfare and development officer of the city or municipality concerned with the assistance of the Department of Social Welfare and Development (DSWD). In requiring community service, the court shall consider the welfare of the society and the reasonable probability that the person sentenced shall not violate the law while rendering the service.

“Community service shall consist of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.

“If the defendant violates the terms of the community service, the court shall order his/her re-arrest and the defendant shall serve the full term of the penalty, as the case may be, in jail, or in the house of the defendant as provided under Article 88. However, if the defendant has fully complied with

the terms of the community service, the court shall order the release of the defendant unless detained for some other offense.

“The privilege of rendering community service in lieu of service in jail shall be availed of only once.”

SEC. 4. *Implementing Rules and Regulations*. – The Department of Justice (DOJ) and the DSWD shall issue the rules and regulations to implement the provisions of this Act within ninety (90) days from the effectivity of this Act.

SEC. 5. *Repealing Clause*. – Chapter 5, Title 3, Book I of the Revised Penal Code is hereby amended and all laws, decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Separability Clause*. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 7. *Effectivity*. – This Act shall take effect after fifteen (15) days following the completion of its publication either in the *Official Gazette* or in a newspaper of general circulation in the Philippines.

Approved,



GLORIA MACAPAGAL ARROYO
*Speaker of the House
of Representatives*



VICENTE C. SOTTO III
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2195 on June 3, 2019, and adopted by the House of Representatives as an amendment to House Bill No. 335 on June 3, 2019.

[Signature]
DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*

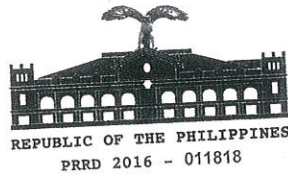
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MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: **AUG 08 2019**

[Signature]
RODRIGO ROA DUTERTE
President of the Philippines



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ATTY. CONCEPCION ZENY E. FERROLINO-ENAD
DIRECTOR IV
AUG 8 2019